

Ring Back Tones in Songwriter Agreements

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A songwriting agreement often provides for a share of royalties that may vary depending on the category of use. These categories include foreign rights, movie rights, mechanical licenses, public performances, synchronization licenses, print rights, and other categories. Most agreements between a publisher and a songwriter contain a catch-all paragraph for a miscellaneous category in which the publisher and the songwriter share in the royalties on a 50:50 basis. Take care to understand that a royalty amount and a royalty share may depend on how the use of the music is categorized.

Ring tones are the sounds that alert you when someone is calling you. Ring back tones are sounds that are played to you when you are calling someone else's telephone.



Photo by Red Morris.

The ambiguity for ring tones and ring back tones lies in the fact that they can fit in the mechanical license category, the foreign license (if tone used outside U.S.), the public performance category, and the miscellaneous category.

For clarity, one should ensure that the songwriting agreement expressly state the royalty share between publisher and songwriter for ring tones and ring back tones. Otherwise, your share may become the lesser of the possible categories stated in a boilerplate agreement.

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